

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RONALD RENARD THOMAS #20050089846,)
)
Plaintiff,)
)
v.) No. 06 C 1070
)
GREGORY LONGMIRE, et al.,)
)
Defendants.)

MEMORANDUM ORDER

In response to this Court's October 20, 2006 memorandum order, counsel for defendants has filed an Amended Answer to the Second Amended Complaint ("SAC") brought against them by Ronald Thomas ("Thomas"). Answer ¶¶26 through 28, together with Affirmative Defense 1, now make plain defendants' position (1) that an administrative remedy had been available to Thomas in connection with his grievance that is now the subject of the SAC and (2) that Thomas' failure to have exhausted that administrative remedy bars this action under 42 U.S.C. §1997e(a) ("Section 1997e(a)").

If defendants are correct in their assertion, this action is indeed barred and must be dismissed. Accordingly Thomas' appointed counsel is ordered to file a response on or before November 20, 2006 that either acknowledges the correctness of defendants' contention or, if not, explains why and how Thomas has satisfied the exhaustion-of-remedies precondition to suit that is established by Section 1997e(a).



Milton I. Shadur
Senior United States District Judge

Date: November 7, 2006